

REDUCING THE NEW RISKS OF THE NEW HIPAA

What is the **NEW** HIPAA?

In February of 2009, the American Recovery and Reinvestment Act (ARRA) amended the Health Insurance Portability and Accountability Act (HIPAA). Known as HITECH*, this amendment is fully effective in February 2010 and significantly increases data protection liabilities for all health-related organizations.

DATA BREACH NOTIFICATION



Any breach of confidentiality, such as improperly discarded documents or computers, must now be reported to the authorities, to patients and, when the breach involves more than 500 records, to local media outlets as well. And, while failure to report violations of confidentiality is now a crime, reporting violations provides no relief from further criminal and civil prosecution.

INCREASED ENFORCEMENT



State Attorneys General are now also responsible to enforce HIPAA's data security provisions and the new law even provides an incentive for enforcement by allowing their offices to retain revenue from the fines they levy.

Fine limits have been increased 6,000 percent - from \$25,000 to \$1,500,000 per incident as a result of the amendment.

A Texas-based medical facility was recently fined \$990,000 by the state's Attorney General for placing medical records in their garbage dumpster.



VENDOR CONTRACT REQUIREMENTS



The new amendment mandates that the legally required Business Associate agreements with data-related service providers be modified to include the new requirement related to Data Breach Notification. The amendment also makes vendors as responsible as their customer for having the agreement in place.

SOLUTIONS FOR DISPOSING OF ELECTRONIC MEDIA

The law requires that information on all types of media be protected. NAID members offer destruction solutions for paper, film, optical, digital and electronic media.

LET US HELP KEEP YOUR REPUTATION OUT OF THE TRASH

The disposal of paper records, memos, notes and forms, and the disposal of old computers put healthcare information at risk. As a result, over 50% of healthcare facilities outsource their information destruction to a professional service.** That's because outsourcing such a service encourages employee compliance, is more secure and is less expensive than shredding the material in-house.

The resources and training we receive as members of NAID vastly improve our capability to help.

*HITECH stands for Health Information Technology for Economic and Clinical Health Act which is a provision within the American Recovery and Reinvestment Act.

**According to a survey commissioned by the National Association for Information Destruction, Inc. in 2006, 54% of healthcare organizations, regardless of size, outsourced their information destruction needs to a service. That same survey also showed that this trend in outsourcing was increasing.



HOW IT WORKS

- 1) We provide the appropriate number of security collection containers to be placed for convenient employee use. There are options for every application.
- 2) Without hesitation or interruption, your staff simply deposits anything that requires secure destruction into the nearest security collection container.
- 3) On a predetermined schedule, our trained service personnel securely remove the contents of the containers, documenting all pertinent compliance-related circumstances. It is quick, clean and secure.
- 4) We securely destroy the materials in compliance with our contract and your regulatory compliance requirements. Your organization receives the documentation to demonstrate to regulators and auditors that you have an on-going, compliant, and secure information destruction program.



How We Can Help!

Paper discarded in the normal course of business creates a high risk for data breaches. Outsourcing the destruction of your discarded paper and electronics makes the most sense for many reasons. It is why the majority of healthcare related organizations – big and small - already outsource their daily shredding needs.**

- **IT'S MORE SECURE:** Employees are busy and it is easy for them to bypass the shredding process. An unshredded form in the trash could lead to regulatory fines, lawsuits and embarrassment. The ease of outsourcing your shredding makes employees far less likely to improperly discard patient information.
- **IT'S LESS EXPENSIVE:** Office shredders are slow and will only handle small amounts. The cost of the labor combined with the cost of the shredders (and replacement shredders) is usually considerably more than the cost of a qualified service. Of course, if using our convenient and secure service prevents a data breach, the cost savings is beyond calculation.
- **THERE'S A RECORD OF COMPLIANCE:** Using a properly selected qualified secure destruction service establishes a legal record of an ongoing proper information destruction program. This will be critical if an issue arises. Shredding in-house provides no such record.

NO HEALTHCARE ORGANIZATION IS TOO SMALL TO BENEFIT FROM OUTSOURCING THEIR SHREDDING!

Smaller medical organizations, such as doctors' offices and dentists' offices, benefit greatly from the protection, record of compliance, and indemnification offered by our secure destruction service. Pricing and service scenarios are flexible and can be arranged to fit any budget. In fact, the smaller the organization, the more outsourcing makes sense.



SPECIAL OFFER

WE HAVE THE LATEST, COMPLIANT, BUSINESS ASSOCIATE AGREEMENT

A new HIPAA Business Associate Agreement is legally required between your organization and any vendors with which it shares client information. That means existing BA Agreements must be redone with new provisions. As NAID Members, we can give your organization exclusive access to the ultimate Business Associate Agreement; one that has been developed by a leading and highly regarded privacy compliance attorney. Few medical organizations have access to this type of expertise and we can provide the Agreement at no charge.

ABOUT NAID

Established in 1994, the National Association for Information Destruction (NAID) is the non-profit watchdog organization of the data destruction industry. The mission of NAID's more than 1,000 member-locations around the world is to promote the proper destruction of discarded personal and proprietary information through standards enforcement and education.

